

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 05-608	DATE FILED 8/18/05	U.S. DISTRICT COURT DISTRICT OF DELAWARE	
PLAINTIFF Crown Packaging Technology Inc et al		DEFENDANT Rexam Beverage Can Co et al	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 6,848,875	2/1/2005	Crown Technology	
2 6,935,826	8/30/05	Crown Technology	
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 4,774,839	10/4/88	Rexam Beverage
2 5,222,385	7/29/93	Rexam Beverage
3 5,697,242	12/16/97	Rexam Beverage
4 6,129,230	10/10/00	Rexam Beverage
5 6,260,728	7/17/01	Rexam Beverage

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT See attached Order and Final Judgment (DI 392); and Judgment Order (DI 430)

CLERK PETER T. DALLEO, CLERK OF COURT	(BY) DEPUTY CLERK	DATE 8/18/05
--	-------------------	-----------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

392

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**CROWN PACKAGING
TECHNOLOGY, INC. AND CROWN
CORK & SEAL USA, INC.,**

PLAINTIFFS,

V.

REXAM BEVERAGE CAN CO.,

DEFENDANT.

CIVIL ACTION NO. 05-608 (MPT)

~~PROPOSED~~ ORDER AND FINAL JUDGMENT

At Wilmington, this 21 day of March 2008

IT IS ORDERED AND ADJUDGED THAT:

1. This action for patent infringement arises under the Patent Laws of the United States, Title 35 of the United States Code. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).

2. The Court has personal jurisdiction over the parties and venue in this Court is proper under 28 U.S.C. §§ 1391(b) & (c), and 1400(b).

3. On October 18, 2005 Crown Packaging Technology, Inc. and Crown Cork & Seal USA, Inc. filed a Second Amended Complaint against Rexam Beverage Can Co. alleging infringement of U.S. patent nos. 6,848,875 and 6,935,826. (D.I. 16)

4. On November 3, 2005, Rexam filed an Answer to the Second Amended Complaint and asserted counterclaims alleging infringement of U.S. patent nos. 4,774,839; 5,222,385; 5,697,242; 6,129,230 and 6,260,728 by Crown Cork & Seal USA, Inc. (D.I. 17)

5. On September 11, 2006, the parties consented to the jurisdiction of the United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (c) and Federal Rule of Civil Procedure 72 to conduct all proceedings and enter an order of judgment. (D.I. 111)

6. On January 25, 2007, Rexam moved for partial summary judgment of invalidity and non-infringement of Crown's U.S. patents 6,848,875 and 6,935,826. (D.I. 209)

7. On January 18, 2008, by a covenant not to sue Rexam, Crown withdrew its assertion of infringement of claims 32, 33, 50, 51 and 52 of U.S. patent no. 6,848,875 and of claim 13 of U.S. patent no. 6,935,826 leaving Crown's assertion of infringement of U.S. patent no. 6,935,826 limited to claim 14 and Crown's assertion of infringement of U.S. patent no. 6,848,875 limited to claim 34. (D.I. 366)

8. In a Memorandum Order dated January 22, 2008, the Court granted Rexam's motion in part holding:

(a) that claim 34 of Crown's U.S. patent 6,848,875 was invalid under 35 U.S.C. §112, ¶1;

(b) that Rexam's motion for summary judgment of invalidity with regard to other claims of Crown's U.S. patent nos. 6,848,875 and 6,935,826 was moot;

(c) that the "Rexam End" does not infringe claim 14 of U.S. patent 6,935,826; and

(d) that Rexam's motion for summary judgment of non-infringement of other claims of Crown's U.S. patent nos. 6,848,875 and 6,935,826 was moot. (D.I. 370)

9. It is now finally adjudicated that claim 34 of U.S. patent 6,848,875 is invalid under 35 U.S.C. §112, ¶1 and that claim 14 of U.S. patent 6,935,826 has not been infringed.

10. Pursuant to a Settlement Agreement between the parties, effective March 17, 2008, Rexam's counterclaims against Crown Cork & Seal USA, Inc. for infringement of U.S. patent nos. 5,222,385; 5,697,242; 6,129,230 and 6,260,728, are dismissed with prejudice.

11. The Court retains jurisdiction over the disputes arising out of or in connection with the Settlement Agreement, which is incorporated herein by reference.
12. Each party shall bear its own costs and attorneys' fees.
13. This Order is a final judgment.


UNITED STATES MAGISTRATE JUDGE

430

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CROWN PACKAGING TECHNOLOGY,
INC. and CROWN CORK & SEAL USA,
INC.,

Plaintiffs,

v.

Civil Action No. 05-608 (MPT)

REXAM BEVERAGE CAN CO.,

Defendant.

JUDGMENT ORDER

At Wilmington, this 15th day of January, 2010,

Consistent with the Memorandum Opinion of today's date,

IT IS ORDERED that Crown's Renewed Motion for Partial Summary
Judgment Dismissing Rexam's Counterclaim I Based on Laches (D.I. 413) is
GRANTED.

Date: January 15, 2010

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE